IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 3RD JULY 2007 / 12TH ASHADHA 1929

WP(C).No. 20367 of 2007(Y)

PETITIONER:

P.N. PADMAVATHI, W/O. KUNJUNJU,
AGED 53 YEARS, PUTHENPURAYIL (PUTHUMANA) HOUSE,
KAPPU KARA, MANJALLOOR VILLAGE, MUVATTUPUZHA TALUK

BY ADV. SRI.M.V.SABU

RESPONDENTS:
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1. THE VAZHAKKULAM SERVICE CO-OPERATIVE
BANK LTD.NO.2824, VAZHAKKULAM, MANJALLOOR VILLAGE,
MUVATTUPUZHA TALUK, REP. BY ITS SECRETARY.

2. THE SPECIAL SALE OFFICER,
KOOTHATTUKULAM FARMERS SCB GROUP IN-CHARGE,
OFFICE OF THE ASST.REGISTRAR (GENERAL) OF
CO-OPERATIVE SOCIETIES, MUVATTUPUZHA.

3. THE STATE OF KERALA,
REP. BY ITS SECRETARY, DEPARTMENT OF CO-OPERATION,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

ADDITIONAL RESPONDENT
4. ASSISTANT REGISTRAR(GENERAL)
MUVATTUPUZHA

Additional 4th respondent is suo motu impleaded vide judgment dtd. 03-07-2007

BY GOVT. PLEADER SMT.ANU SIVARAMAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/07/2007 ALONG WITH W.P.C.NOS. 20371/07, 20408/07 & 20410/07, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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W.P.(C).NOs.20367,20371,20408 & 20410 of 2007

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Dated this the 25th day of May, 2007

JUDGMENT

Complaint of the petitioners in these writ petitions is that ex parte awards were passed against the petitioners under the Co-operative Societies Act. Petitioners filed applications to set aside the ex parte award. They have been rejected stating that there is no power to set aside the ex parte award. Petitioners rely on the decisions of this court reported in **Thankam R. Pillai v. Arbitrator** (1996(1)KLT 225) and **Paul v. Asst.Registrar** (1998(2)KLT 449).

2. I heard learned counsel for the petitioners, respondent Bank Sri.V.M.Kurian and learned Government Pleader also.

3. I feel that in view of the legal position, the impugned orders refusing to set aside ex parte awards in these cases are liable to be quashed. Ext.P5 in all these cases will stand quashed.

Assistant Registrar (General), Muvattupuzha is suo motu impleaded as additional respondent No.4 in these cases. Government Pleader appears for him also. These writ petitions are disposed of as follows:

Additional 4th respondent will take up the applications filed for

setting aside the ex parte awards and pass orders after hearing the petitioners and the respondent Bank within a period of one month from the date of production of a copy of this judgment.

(K.M.JOSEPH, JUDGE)

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